

FILED

NOV 16 2007

CATHY A. CATTERTON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ARIF ALI DURRANI,

Petitioner,

v.

S. A. HOLENCIK, Warden,

Respondent.

No. 07-73112

D.C. No. CV-06-06281-PA
Central District of California,
Los Angeles

ORDER

2007 DEC 10 PM 4:18
CLERK OF COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY

FILED

Before: McKEOWN, TALLMAN and CLIFTON, Circuit Judges.

The United States District Court for the Central District of California transferred the instant action to this court and explained that petitioner had filed a similar action styled as a petition for a writ of habeas corpus in the District Court for the Southern District of California in Case No. CV-06-1730 LAB (S.D. Cal. 2006), which was construed as a motion under 28 U.S.C. § 2255, and denied. Because the Southern District previously denied a 28 U.S.C. § 2255 motion, the Central District designated the instant petition as successive.

Pursuant to this court's order, the Southern District vacated its earlier judgment and allowed petitioner to withdraw his 28 U.S.C. § 2255 motion in Case No. CV-06-1730 (S.D. Cal. 2006). Thus, the instant filing is not successive.

07-73112

On September 10, 2007, petitioner filed a document in this court stating that the instant petition challenges, not a Southern District decision, but rather a release order issued by the Central District in Case No. CR-99-470 PA (C.D. Cal. order filed September 23, 2005).

Accordingly, the Clerk shall transfer this action and pending motions to the United States District Court for the Central District of California.

Upon transfer, the Clerk shall close this original action.